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April 1, 2008

## EX PARTE

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Consolidated Communications Holdings, Inc., Petition for  
Conversion to Price Cap Regulation and for Limited Waiver of  
Pricing and Universal Service Rules, WC Docket No. 07-291**

Dear Ms. Dortch:

On December 4, 2007, Consolidated Communications Holdings, Inc. ("Consolidated") filed a petition to elect price cap regulation no later than July 1, 2008, and, to the extent necessary, limited waivers of the applicable universal service high-cost support mechanisms. Specifically, in its petition, Consolidated sought a partial waiver of certain rules regarding the distribution of universal service support in order that Consolidated could continue to receive interstate common line support ("ICLS") as a price cap carrier.

Since the filing of Consolidated's petition, the Commission released an order granting a similar waiver petition filed by Windstream Corporation ("Windstream").<sup>1</sup> In the *Order*, the Commission: (1) required that Windstream target its ATS rate to a target of \$0.0065 per ATS minute of use as required by 47 C.F.R. § 61.3(qq)(3) of the Commission's rules; and (2) permitted Windstream to continue receiving ICLS for the converted study areas, but required that such support be calculated on a per-line basis at 2007 per-line disaggregated ICLS amounts, froze support at those per-line levels going forward, and capped Windstream's aggregate annual ICLS support at an amount equal to Windstream's overall 2007 ICLS (after application of any required true-ups).

Although the framework adopted in the *Order* differs slightly from the relief originally requested in Consolidated's petition, Consolidated believes that the Commission's approach in facilitating Windstream's transition to price cap regulation is reasonable and would provide the same public interest benefits for Consolidated's customers. Because

<sup>1</sup> See *Windstream Petition for Conversion to Price Cap Regulation and for Limited Waiver Relief*, WC Docket No. 07-171, Order, FCC 08-81 (rel. March 18, 2008) ("Order").

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Consolidated did not seek a waiver of section 61.3(qq)(2) as did Windstream, no modification of its waiver request is needed in this respect to keep it consistent with the *Order*. However, following the terms of the *Order*, Consolidated does modify its waiver request to request that the Commission grant the appropriate waivers to allow Consolidated to continue to receive ICLS support as a price cap carrier, with the understanding that such support would be calculated on a per-line basis at Consolidated's 2007 per-line disaggregated ICLS amounts and frozen at those per-line levels going forward and that Consolidated's aggregate annual ICLS support would be capped at an amount equal to its overall 2007 ICLS (after application of any required true-ups). Under this approach, Consolidated would forego any Presubscribed Interexchange Carrier Charge or Carrier Common Line charges that otherwise might be assessable under the *CALLS Order* and would forego any increase in the non-primary residential Subscriber Line Charge cap from \$6.50 to \$7.00.

Consolidated also requests a waiver of 47 C.F.R. § 69.3(i)(1) of the Commission's Rules, which would require that Consolidated notify the National Exchange Carrier Association ("NECA") no later than March 1st of the tariff filing year of its intention to withdraw from the NECA Common Line Pool, which is the only NECA pool in which Consolidated participates. Waiver of this rule is appropriate to ensure that Consolidated is not prevented from exiting the Common Line Pool upon approval of its modified petition, and good cause exists to waive this rule for the same reasons that the Commission should grant Consolidated's modified petition to elect price cap regulation no later than July 1, 2008.

Pursuant to 47 C.F.R. § 1.1206, please include this ex parte filing in the above-referenced docket.

Respectfully submitted,



Troy F. Tanner

cc: Michael Shultz (Consolidated)  
Albert Lewis (FCC)  
Pamela Arluk (FCC)  
Lynne Hewitt Engledow (FCC)